

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : J.P. Verduijn
US Appl. No. : 08/211,873 (Parent of Rule 62 FWC 08/656,725)
Filed : June 3, 1994 (Rule 62 FWC filed June 3, 1996)
For : NANOMETER-SIZED MOLECULAR SIEVE CRYSTALS
OR AGGLOMERATES AND PROCESS FOR
THEIR PRODUCTION
Examiner : D. Sample
Group Art Unit: 1108
Conf. No. : 2145 (Rule 62 FWC Confirmation No. Unknown)

**PETITION UNDER 37 CFR §1.182 FOR
EXPEDITED PROCESSING AND GRANT OF PETITION UNDER 37 CFR §1.181**

February 27, 2009

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Petition under 37 CFR §1.182 for expedited consideration and grant of the Petition Under 37 CFR §1.181(a)(3) filed December 30, 2008 in the above-identified matter. The Rules do not address the present situation regarding the above-noted parent and file wrapper continuation (FWC) cases. Accordingly, Applicant respectfully submits this §182 Petition to request the Office to expedite processing and grant of the Petition Under 37 CFR §1.181(a)(3) for the following reasons.

The above-identified Request for Filing a 37 CFR §1.62 File Wrapper Continuation Application was properly and timely submitted to the USPTO on June 3, 1996 as a FWC of parent application Serial No. 08/211,873 filed June 3, 1994. Since May 18, 1998, more than 10 years ago, Applicant has continuously contacted the Office in an attempt to determine the status of the FWC filed on June 3, 1996, more than 12

years ago. None of Applicant's properly-mailed filings for entry into the application record, or status inquiries made via facsimile, have ever received any response whatsoever from the Office other than an USPTO auto-reply. Accordingly, the FWC application identified above has been pending for almost 15 years without either acknowledgement or examination by the Office. Therefore, Applicant is certain that the Office is anxious to correct this grievous oversight, and promptly process and grant this Petition, as well as granting the Petition Under 37 CFR §1.181 (a)(3) for immediate action filed December 30, 2008.

In an effort to assist the Office in expediting this matter, Applicant has submitted this Petition to Expedite electronically, citing the parent application. Because the present case is a Rule 62 FWC, the examination record in the parent application will be used to prosecute the FWC and, accordingly, all of the papers in the parent file will be required. Toward that end, to further assist the Office in preparations for examination of the FWC, Applicant also submits herewith electronic copies of the specification, claims, Abstract and drawings for the parent application, the complete submission of the FWC filing (including the USPTO date-stamped receipt postcard indicating the serial number assigned to the FWC), and the documents properly filed subsequent thereto for the FWC, *i.e.*, a Preliminary Amendment and an Information Disclosure Statement with Form PTO-1449. The foreign references presently available to Applicant which were previously submitted with the IDS also are attached, as is a copy of WO 93/08125, the international application from which national stage entry was made in the US by parent Application Serial No. 08/211,873. The foreign references not submitted herewith will be filed as soon as they become available to Applicant. Though Applicant respectfully points out that it was Ms. Shirley Holmes at OPAP of the USPTO who has confirmed that the complete file of parent Application Serial No. 08/211,873 is available to the USPTO in electronic form, at the request of the Office, Applicant will happily provide any other papers of record in Applicant's possession which may be necessary to recreate the parent application, to facilitate processing and examination of the FWC.

The fee of \$400 for this Petition is being filed electronically (EFS) with this Petition to Expedite, but the Office is hereby authorized to charge any deficiency in fees

required for entry of this Petition to H&A Deposit Account No. 50-2929 (referencing Docket No. J3600.17).

Applicant respectfully submits that all of the requirements, information and attachments necessary for prompt entry, processing and grant of this §182 Petition to Expedite and the earlier-filed §181 Petition for Action have been met. In the interest of saving time, if any other information or documents are required for this submission, the Office is invited to contact the undersigned directly by telephone, facsimile or email.

Respectfully submitted,
J.P. Verduijn



Abraham Hershkovitz
Registration No. 45,294

Attachments: Specification, Claims, Abstract
and Drawings for SN 08/211,873
Request for FWC, Express Mail Receipt
and UPTO Mail Room Date-Stamped
Receipt Postcard
Preliminary Amendment (filed in the FWC)
Information Disclosure Statement and
Form PTO-1449 (filed in the FWC)
and Two (2) Foreign Patent Publications
WO 93/08125

HERSHKOVITZ & ASSOCIATES, LLC
2845 Duke Street
Alexandria, VA 22314

Telephone +1.703.370.4800
Facsimile +1.703.370.4809
Email patent@hershkovitz.net

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